

02-25-02

A

02/22/02  
J1048 U.S. PATENT

Place a plus (+) inside this box



PTO/SB/05 (03-01)

Approved for use through 10/31/2001. OMB 0651-0032

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>UTILITY</b>  <b>PATENT APPLICATION</b> <b>TRANSMITTAL</b> (Only for new nonprovisional applications under 37 CFR 1.53(b))	Attorney Docket No.	<b>88265-6778</b>	Total Pages	<b>14</b>
	First Named Inventor or Application Identifier			
	<b>Robert PETERMANN</b>			
	Express Mail Label No.	<b>EV 074 516 202 US</b>		

J1050 U.S. PTO  
10/08/1788  
02/22/02

APPLICATION ELEMENTS See MPEP chapter 600 concerning utility patent application contents.	ADDRESS TO: Assistant Commissioner for Patents Box Patent Application Washington, DC 20231
--	---

- 1. ☒ Fee Transmittal Form (e.g. PTO/SB/17)  
(Submit an original and a duplicate for fee processing)
- 2. ☐ Applicant claims small entity status  
See 37 CFR 1.27.
- 3. ☒ Specification Total Pages 12  
(preferred arrangement set forth below)
  - Descriptive title of the Invention
  - Cross Reference to Related Applications
  - Statement Regarding Fed Sponsored R&D
  - Reference to Sequence Listing, a table, or a computer program listing appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
- 4. ☐ Drawing(s) (35 U.S.C. 113) Total Sheets \_\_\_\_\_
- 5. ☒ Oath or Declaration (unexecuted) Total Pages 2
  - a. ☐ Newly executed (original or copy)
  - b. ☐ Copy from prior application (37 CFR 1.63(d))  
(for continuation/divisional with Box 18 completed)
    - i. ☐ DELETION OF INVENTOR(S)  
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
- 6. ☐ Application Data Sheet. See 37 CFR 1.76

- 7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (*Appendix*)
- 8. Nucleotide and/or Amino Acid Sequence Submission (*if applicable, all necessary*)
  - a. ☐ Computer Readable Form (CRF)
  - b. Specification Sequence Listing on:
    - i. ☐ CD ROM or CD-R (2 copies); or
    - ii. ☐ Paper
  - c. ☐ Statements verifying identity of above copies.

**ACCOMPANYING APPLICATION PARTS**

- 9. ☐ Assignment Papers (cover sheet & document(s))
- 10. ☐ 37 CFR 3.73(b) Statement ☐ Power of Attorney  
(*when there is an assignee*)
- 11. ☐ English Translation Document (*if applicable*)
- 12. ☒ Information Disclosure Statement (IDS)/PTO-1449
  - ☒ Copies of IDS Citations
- 13. ☐ Preliminary Amendment
- 14. ☒ Return Receipt Postcard (MPEP 503)  
(*Should be specifically itemized*)
- 15. ☐ Certified copy of Priority Document(s)  
(*if foreign priority is claimed*)
- 16. ☐ Non-publication Request Under 35 U.S.C. 122(b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent
- 17. ☐ Other

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☐ Divisional ☒ Continuation-in-part of prior international application no. PCT/EP00/07121, filed July 24, 2000

Prior Application Information: Examiner: \_\_\_\_\_ Group Art Unit: \_\_\_\_\_

**For CONTINUATION OR DIVISIONAL APPLICATIONS ONLY:** The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS					
Customer Number or Bar Code <b>CUSTOMER NO. 28765</b>					
NAME					
ADDRESS					
CITY	STATE		ZIP CODE		
COUNTRY	TELEPHONE		FAX		

Name (Print/Type)	For Allan A. Fanucci	Registration No.: 30,256
Signature	<i>Allan A. Fanucci</i>	Date <b>February 22, 2002</b>

**WINSTON & STRAWN**

**200 PARK AVENUE  
NEW YORK, NEW YORK 10166-4193  
212-294-6700**

ATTORNEY DOCKET NO.: 88265-6778

Assistant Commissioner for Patents

**Box PATENT APPLICATION**

Washington, D.C. 20231

Sir:

The following utility patent application is enclosed for filing:

Applicant(s): Robert PETERMANN, Christian DUPAS, Alfred MESSERLI

Title of the Invention: **FERMENTED MILK PRODUCT AND PROCESS****PATENT APPLICATION FEE VALUE**

TYPE	NO. FILED	LESS	EXTRA	EXTRA RATE	FEE
Total Claims	20	-20	0	18.00	\$ .00
Independent	2	-3	0	84.00	\$ 0.00
<b>Minimum Fee</b>					\$ 740.00
Multiple Dependency Fee If Applicable (\$280.00)					\$
<b>Total</b>					\$ 740.00
50% Reduction for independent inventor, nonprofit organization or small business concern (verified statement as to the applicant's status is attached)					-\$
<b>TOTAL FILING FEE</b>					\$ 740.00

☐ **DO NOT PUBLISH.** I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 112(b).

☒ Priority of application no Application PCT/EP00/05945, filed June 26, 2000 is claimed under 35 U.S.C. § 119.

☒ Please charge the required fee to Winston & Strawn Deposit Account No. **501-814**. A copy of this sheet is attached.

Respectfully submitted,

2/22/02

Date



Allan A. Fanucci, Reg. No. 30,256

**WINSTON & STRAWN**